

§ 679.24 Gear Limitations

§ 679.24 Gear limitations.

Regulations pertaining to vessel and gear markings are set forth in this section and as prescribed in the annual management measures published in the Federal Register pursuant to § 300.62 of chapter III of this title.

(a) Marking of gear--longline marker buoys.

(1) All longline marker buoys carried on board or used by any vessel regulated under this part shall be marked with the following:

- (i) The vessel's name; and
 - (ii) The vessel's Federal fisheries permit number;
- or
- (iii) The vessel's registration number.

(2) Markings shall be in characters at least 4 inches (10.16 cm) in height and 0.5 inch (1.27 cm) in width in a contrasting color visible above the water line and shall be maintained so the markings are clearly visible.

(b) Gear restrictions

(1) Longline pot gear. Any person using longline pot gear must treat any catch of groundfish as a prohibited species, except:

- (i) In the Aleutian Islands subarea.
- (ii) While directed fishing for sablefish in the Bering Sea subarea, except as provided in paragraph (c)(4)(ii) of this section.

(2) Net-sounder device. Each person trawling in any GOA area limited to pelagic trawling under § 679.22 must maintain on that trawl a properly functioning, recording net-sounder device, and must retain all net-sounder recordings on board the fishing vessel during the fishing year.

(3) Trawl footrope. No person trawling in any GOA area limited to pelagic trawling under § 679.22 may allow the footrope of that trawl to be in contact with the seabed for more than 10 percent of the period of any tow, as indicated by the net-sounder device.

(4) BSAI pollock nonpelagic trawl prohibition. No person may use nonpelagic trawl gear to engage in directed fishing for non-CDQ pollock in the BSAI.

(c) Gear restrictions for sablefish

(1) Gear allocations. Gear allocations of sablefish TAC are set out under § 679.20.

(2) GOA Eastern Area

(i) General.

(A) No person may use any gear other than hook-and-line and trawl gear when fishing for sablefish in the GOA Eastern Area.

(B) No person may use any gear other than hook-and-line gear to engage in directed fishing for sablefish.

(ii) Sablefish as prohibited species

(A) Trawl gear. When operators of vessels using trawl gear have harvested 5 percent of the TAC for sablefish in the GOA Eastern Regulatory Area during any year, further trawl catches of sablefish must be treated as prohibited species as provided by § 679.21(b).

(B) Other gear. Operators of vessels using gear types other than those specified in paragraph (c)(2)(i) of this section in the GOA Eastern Regulatory Area must treat any catch of sablefish as a prohibited species as provided by § 679.21(b).

(3) GOA Central and Western Areas; sablefish as prohibited species. Operators of vessels using gear types other than hook-and-line and trawl gear in the GOA Central and Western Regulatory Areas must treat any catch of sablefish in these areas as a prohibited species as provided by § 679.21(b).

(4) BSAI.

(i) Operators of vessels using gear types other than hook-and-line, longline pot, pot-and-line, or trawl gear in the BSAI must treat sablefish as a prohibited species as provided by § 679.21(b).

(ii) Longline pot gear is prohibited in directed fishing for sablefish from 0001 hrs, A.l.t., on June 1 until 1200 hrs, A.l.t., on June 30.

§ 679.24 Gear Limitations

(d) Trawl gear test areas

(1) General. For purposes of allowing pelagic and nonpelagic trawl fishermen to test trawl fishing gear, NMFS may establish, after consulting with the Council, locations for the testing of trawl fishing gear in areas that would otherwise be closed to trawling.

(2) Trawl gear testing. For the purposes of this section, "trawl gear testing" means deploying trawl gear in areas designated in this paragraph (d) under the following conditions.

(i) The codend shall be unzipped while trawl gear testing.

(ii) Groundfish shall not be possessed on board when trawl gear testing.

(iii) Observers aboard vessels during the time spent trawl gear testing shall not fulfill observer requirements at subpart E of this part.

(3) Criteria. The establishment of test areas must comply with the following criteria:

(i) Depth and bottom type must be suitable for testing the particular gear type.

(ii) The areas must be outside State waters.

(iii) The areas must be in locations not normally closed to fishing with that gear type.

(iv) The areas must be in locations that are not usually fished heavily by that gear type.

(v) The areas must not be within a designated Steller sea lion protection area at any time of the year.

(4) Test areas. Trawl gear testing is allowed in the following areas (Figure 7 to this part) bounded by straight lines connecting the coordinates in the order listed, at all times:

(i) Kodiak Test Area.

57E37' N. lat., 152E02' W. long.

57E37' N. lat., 151E25' W. long.

57E23' N. lat., 151E25' W. long.

57E23' N. lat., 152E02' W. long.

57E37' N. lat., 152E02' W. long.

(ii) Sand Point Test Area.

54E50' N. lat., 161E00' W. long.

54E50' N. lat., 160E30' W. long.

54E35' N. lat., 160E30' W. long.

54E35' N. lat., 161E00' W. long.

54E50' N. lat., 161E00' W. long.

(iii) Bering Sea Test Area.

55E00' N. lat., 167E00' W. long.

55E00' N. lat., 166E00' W. long.

54E40' N. lat., 166E00' W. long.

54E40' N. lat., 167E00' W. long.

55E00' N. lat., 167E00' W. long.

(e) Seabird avoidance gear and methods for hook-and-line vessels fishing for groundfish

(1) Applicability. The operator of a vessel that is required to obtain a Federal fisheries permit under § 679.4(b)(1) must comply with the seabird avoidance measures in paragraphs (e)(2) and (e)(3) of this section while fishing for groundfish with hook-and-line gear in the BSAI, in the GOA, or in waters of the State of Alaska that are shoreward of the BSAI and the GOA.

(2) Requirements. The operator of a vessel described in paragraph (e)(1) of this section must conduct fishing operations in the following manner:

(i) Use hooks that when baited, sink as soon as they are put in the water.

(ii) If offal is discharged while gear is being set or hauled, it must be discharged in a manner that distracts seabirds from baited hooks, to the extent practicable. The discharge site on board a vessel must be either aft of the hauling station or on the opposite side of the vessel from the hauling station.

(iii) Make every reasonable effort to ensure that birds brought on board alive are released alive and that wherever possible, hooks are removed without jeopardizing the life of the birds.

§ 679.24 Gear Limitations

(3) For a vessel greater than or equal to 26 ft (7.9 m) LOA, the operator of that vessel described in paragraph (e)(1) of this section must employ one or more of the following seabird avoidance measures:

(i) Tow a streamer line or lines during deployment of gear to prevent birds from taking hooks;

(ii) Tow a buoy, board, stick or other device during deployment of gear, at a distance appropriate to prevent birds from taking hooks. Multiple devices may be employed;

(iii) Deploy hooks underwater through a lining tube at a depth sufficient to prevent birds from settling on hooks during deployment of gear; or

(iv) Deploy gear only during the hours specified below, using only the minimum vessel's lights necessary for safety.

Hours that Hook-and-Line Gear Can Be Deployed for Specified Longitudes According to paragraph (e)(3)(iv) of this section. (Hours are Alaska local time).

Calendar Month	Longitude		
	Shoreward to 150EW	151 to 165EW	166 to 180EW
January	1800-0700	1900-0800	2000-0900
February	1900-0600	2000-0700	2100-0800
March	2000-0500	2100-0600	2200-0700
April	2100-0400	2200-0500	2300-0600
May	2200-0300	2300-0400	2400-0500
June	this measure cannot be exercised during June		
July	this measure cannot be exercised during July		
August	2200-0400	2300-0500	2400-0600
September	2000-0500	2100-0600	2200-0700
October	1900-0600	2000-0700	2100-0800
November	1800-0700	1900-0800	2000-0900
December	1700-0700	1800-0800	1900-0900